

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KODY WALSH,)
vs.)
Plaintiff,)
vs.)
JUSTIN KEMPFER, et al.,)
Defendants.)
Case No. 3:19-cv-00384-SMY

ORDER

YANDLE, District Judge:

This matter is before the Court on Defendant Kern's Motion to Extend Stay (Doc. 190).

Kern previously filed a Motion to Stay (Doc. 166) these proceedings against him pursuant to the Servicemembers Civil Relief Act, which provides for the temporary suspension of civil proceedings that may adversely affect the civil rights of servicemembers during their military service. He later supplemented his motion with military orders showing he is enlisted in the United States Army for a period of five years, with an enlistment date of July 31, 2018 and an expiration of term of service of July 30, 2023 (Docs. 177, 178). The previous motion was granted and all proceedings were stayed as to Kern for 90 days in accordance with 50 U.S.C.A. § 3932(b)(a) (Doc. 188). At that time, Kern was instructed that should he seek an extension of the stay, “he shall submit information on the manner in which his current military duty requirements materially affect his ability to participate in this litigation.” (*Id.*).

Under 50 U.S.C.A. § 3932, a request for a stay of proceedings shall include the following:

A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear.

A letter or other communication from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter.

Kern has not provided the required information with his motion. Accordingly, his motion is **DENIED**, and the **STAY IS LIFTED**.

IT IS SO ORDERED.

DATED: June 1, 2022

s/Staci M. Yandle
STACI M. YANDLE
United States District Judge